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PART VI.

OFFICIAL PAPERS.

No. 10687 / Ml. 129-18-3.

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE SECRETARIAT.
Dated Bangalore, 19th February 1919.

PRESS COMMUNIQUE.

With reference to Rule 4 (1) (quoted in the margin) of the revised Municipal Election Rules issued with Government Notifications No. 8297—Ml. 129-18-1 and No. 8298—Ml. 130-18-1, dated the 7th January 1919, certain criticisms have appeared in the public press alleging a change of attitude on the part of the Government of Mysore on the question of communal representation on municipal bodies. Government wish to point out that the rule in question introduces no new principle and has been framed in pursuance of a long existing provision of the Mysore Municipal Regulation, *viz.*, Section 11 (*c*) which reads as follows:—

> If in any division of a Municipality divided for electoral purposes into divisions under the foregoing rule, not less than 50 per cent and in a Municipality not so divided not less than 25 per cent of the total number of persons eligible to vote belong to any one section of the inhabitants, then such voters may apply to Government, provided that the application is made by not less than three-fourths of their total number, for permission to elect one or more members of such section and the Government may thereupon pass such orders as they deem fit.

"The Government shall, from time to time, generally or specially for each Municipal Council—

* * * *

(*c*) make rules consistent with this Regulation, for

* * * * *

(ii) prescribing the number to be elected by the rate-payers, or by sections of the inhabitants or by public bodies or associations, if any, and the qualifications of candidates and of voters other than as hereinafter provided."

When the question of communal representation was discussed in the Legislative Council in connection with the bill for the amendment of the Mysore Municipal Regulation, it was repeatedly pointed out that Government had already power, under the section quoted above, to make rules for the special representation of sections of the inhabitants within any municipal area.

It was in allusion to this power that His Highness the Maharaja observed as follows in his reply to the deputation of non-Brahmin communities, which waited upon him in June 1918.

"Separate sections of inhabitants are already given special representation and my hope is that with extended franchise and a larger scope for elections, a larger number will associate themselves with local administration and all communities on whose behalf you speak will be more largely represented."

It will be observed that the rule under reference contemplates the election of municipal members, not by communities, as ordinarily understood, but by "sections of the inhabitants," an expression which would include members of a calling or profession and does not necessarily mean persons belonging to a caste or sect. Attention may also be drawn to Rule 4 (2) of the Revised Election Rules which, following the provision of law already quoted, allows the conferring of the municipal franchise on public bodies or associations. These provisions are in accordance with the Municipal Regulation of 1906 and are intended to meet special cases. They do not affect the general principle that municipal electorates should be formed mainly on a territorial, as distinguished from a communal basis.

Extracts from the discussion in the Legislative Council are appended to this communique.

By Order,
B. RAMASWAMAIYA,
Secy. to Govt., Rev. Dept.

APPENDIX.

Extracts from the discussions in the Legislative Council in connection with the Bill to further amend the Mysore Municipal Regulation, 1906.

A. (21ST FEBRUARY 1918).

Mr. C. S. Doraswami Iyer.—"I also oppose the motion for postponement. On the last occasion when the report of the Select Committee and the Bill as amended by them, were considered in Council, I suggested that there was no reason for the incorporation in the Bill itself of a specific provision in favour of communal representation as Section 11 (*c*) (2) and Section 14 (1) (*a*) enabled Government to make rules for special representation by sections of inhabitants within any Municipal area. It is now suggested that taking power to frame rules in the matter will be of no use but that provision should be made in the Regulation itself in order that it may not be left to the discretion of the rule-making authority, that is, Government to decide as to how communal representation should be regulated by rules framed in this behalf.

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B. (21ST FEBRUARY 1918).

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Mr. A. R. Banerji.—So far as representation of class interests referred to above is concerned, we have already in the Municipal Regulation a provision—please see Section 11 (2)—by which Government may make rules prescribing the number to be elected by the rate-payers or by the sections of the inhabitants or by public bodies or associations. Then again, there is the special provision under Section 14 (1) for the constitution of Municipal Councils in exceptional cases where, owing to the smallness of the Municipality or to the backward state of the inhabitants, an exceptional constitution is considered necessary. Over and above these precautions which fully cover the provisions of the Central Provinces and the North-West Provinces Acts, what justification is there for alarm that all interests will not be represented in Municipal Bodies?

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C. (28TH SEPTEMBER 1917).

Mr. C. S. Doraswami Iyer.—

If my friend Mr. Basaviah will look into Section 11 of the existing Municipal Regulation, he will find that there is sufficient power reserved to enable Government to make rules for what is called "Communal Representation" that is to say, representation of all the communities a term, which, I take it, is included in the expression "sections of inhabitants," in sub-clause (ii) of clause (*c*). Under Section 11 (*c*) (ii), the Government shall, from time to time, generally or specially for each Municipal Council, make rules consistent with this regulation for prescribing the number to be elected by the rate-payers, or by *sections of the inhabitants*, or by public bodies or associations, if any, and of voters other than as hereinafter provided." This section, it seems to me, provides for cases of the kind where, if Government see the necessity for special communal representation, they have the power to give effect to it. There is also Section 14 (1) (*a*).

GPB—1,815—13-3-19